MC 106/2007
BEFORE
HON'BLE MR JUSTICE D BISWAS, CHIEF JUSTICE (ACTING)
HON'BLE MR JUSTICE HRISHIKESH ROY

Heard Mr. A.M. Buzarbaruah, the learned counsel for the applicant Gauhati University. Also heard Mr. S.S. Dey, the learned counsel appearing for the respondent No.1, Mr. B.D. Konwar, the learned counsel appearing for the respondent No.2, Bar Council of India and Mr. A.K. Sharma, the learned counsel for the respondent No.3.

By this application, the applicant is seeking clarification of the direction contained in clause (IX) of the judgment dated 27.9.2006 in PIL 23 of 2006.

The P.I.L. came to be registered in connection with certain developments in Dispur Law College and this Court after considering the entire subject matter passed certain directions while disposing of the said P.I.L.

Amongst the directions given by the Court, the specific direction regarding the manner of holding Law Examination has also been given. The specific direction contained in clause (IX) is quoted below :-

(IX) The Gauhati University shall henceforth, hold the law examination in different centres so that students of any law college do not appear in such examination in their own college. Such direction shall be effective for all the law college in the State of Assam.

It is submitted by Mr. Buzarbaruah, the learned counsel appearing for the University that there would be difficulty in implementing the said direction inasmuch as in respect of some of the centres out side of Guwahati, the next Law Colleges in which Law examinations can be held are located at great distance. Accordingly, there will be serious dislocation and the examinees will face difficulties in commuting such long distance for sitting in the law examination. However, it is submitted that in respect of the law colleges in Kamrup District, the necessary adjustments can be made to conduct the examination in accordance with the direction as indicated above.

The learned counsels appearing for the respondents argue that there could be difficulties in respect of holding law examination in Law Colleges outside the Kamrup District. But in so far as Law Colleges in Kamrup District all of which are located in Gauhati City are concerned, necessary arrangement can be made to comply with the directions which have been given in clause (IX) to ensure purity of the examination process.

Having regard to the submissions made, it is considered appropriate to direct that in so far as the Law Examination of Law Colleges within Kamrup District are concerned, the examination be held in terms of the directions given by this Court in order dated 27.9.2006 in P.I.L. 23 of 2006.

In so far as examinations to be conducted in Law Colleges outside Kamrup District, it would be permissible for the Gauhati University to have the examinations conducted for such Law Colleges as per their convenience, having regard to the relevant circumstances prevalent in the concerned Law College and the local area. But participation of external invigilators must be ensured where Law Examinations are held for candidates in their own Law Colleges.

The above clarification is given in connection with the ensuing Law Examination scheduled to begin on 18.1.2007.

The applicant is also given liberty to seek review of the directions given in the P.I.L., if so advised.

With the above direction, the Misc. case seeking clarification is closed.